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GROUP 3600

Attorney Docket No. 61384/016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Naresh Vig
Group Art Unit: 3629

Application of	:	Gerald I. KESTENBAUM
Serial No.	:	09/587,525
Filing Date	:	June 5, 2000
Entitled	:	APPARATUS AND METHOD FOR PROVIDING BUILDING MANAGEMENT INFORMATION

U.S. Patent and Trademark Office
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF GERALD I. KESTENBAUM UNDER 37 C.F.R. § 1.132

Sir:

I, Gerald I. Kestenbaum, hereby declare as follows:

1. I am the inventor of the above-identified patent application. I am familiar with the prosecution of this patent application including the Office Action dated February 2, 2004, and the prior art publication referred to as BJM relied upon by the Examiner in this latest Office Action.

2. I am familiar with the BJ Murray software package which is described in the BJM publication. The BJ Murray software package is strictly a financial accounting system. It is not a collaborative communication system for exchanging information among tenants, staff, and a building management, or for managing tasks in a building as

is BuildingLink, the commercial embodiment of my invention which I demonstrated at the interview on May 5, 2004.

3. To emphasize this difference, attached are copies of three letters from building managers who are familiar with the BJ Murray software system and the BuildingLink system. All three of these letters confirm that the BJ Murray software system is a financial accounting system while BuildingLink is a task collaboration and integrated communication system for tenants, staff, and a building manager of a building. Therefore, these building managers purchased and installed the BuildingLink system even though they already owned or utilized the BJM software package or a similar software package.

4. Furthermore, BuildingLink has achieved a very high level of commercial success since its introduction into the marketplace in July 2000. Thus far, it has been installed in over 225 buildings nationwide including over 170 residential buildings in the New York City area. Three of the largest residential luxury developers in the New York City area have already installed BuildingLink in all of their current properties and have committed to its installation in all new construction under progress. They have also signed multi-year contracts for BuildingLink's continued use.

5. BuildingLink has also earned a reputation in the industry for innovation and quality. It has recently been featured in the New York Times, and has frequently been cited in the Real Estate trade press. In addition, many purchasers of BuildingLink

highlight it in their marketing literature as a valuable service available to prospective tenants.

6. I further declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Gerald I. Kestenbaum

Date: 5-24-04

Rose Associates, Inc.

200 Madison Avenue
New York, NY 10016-3998
Direct Line: (212) 210-6770
Direct Fax: (212) 210-6687
E-Mail: jm@rosenyc.com

Jerry Morris
Managing Director

May 3, 2004

To Whom It May Concern:

Rose Associates, Inc. is a developer and property management company. We currently manage approximately sixty five properties in the New York metropolitan area, the majority of which are for third parties.

We understand that Building Link.com is applying for a patent. A number of our properties subscribe to the Building Link system which is an interactive system utilized by tenants, building staff and management to communicate with each other and works collaboratively. It allows tenants to file work requests at any time and allows building staff to prioritize and efficiently respond to the tenants request. At the same time, it allows management to monitor the responsiveness of the building staff and track its efforts. In addition management can post notices to all or selected tenants.

In addition to Building Link, we utilize proprietary software to generate bills to clients, process accounts payable, maintain accounting records and prepare financial statements. While it is a proprietary system, it serves the same purpose as the BJ Murray system, as we know it. Our system allows access to our database from all of our site offices and it is offered to condominium and cooperative board members for their buildings. The systems purpose and functions are very different than the Building Link system. One is principally for accounting and the other is for the proper day to day management of the building.

We have examined other systems and have considered programming our own proprietary system but decided that the innovations provided by the Building Link system gave us everything we needed at a lower cost per unit.

Very truly yours,

Jerry Morris
Managing Director

BEST AVAILABLE COPY

Ex. A

Charles H. Greenthal & Co. REAL ESTATE

Charles H. Greenthal Management
Four Park Avenue · Third Floor · New York, NY 10016-5339
Telephone: 1(212) 340-9300
FAX: 1(212) 447-1667

May 3, 2004

To Whom It May Concern:

Charles H. Greenthal Management Corp. manages in excess of 100 buildings in the New York area, and we utilize a property management software program. At the same time we subscribe on behalf of some of our buildings to the BuildingLink system because they perform different functions and provide different functions and capabilities – specifically one is BJ Murray a financial accounting system (Murray) and the other (BuildingLink) allows task collaboration and integrated communication among tenants, front desk staff, maintenance staff and management. Even though our accounting package allows for remote access to the database, it aims and functions are very different than the BuildingLink System.

Please feel free to give me a call at (212) 340-9637 or email me at mastrof@greenthal.com if you have further questions in reference to the above mentioned.

Thank you.

Very truly yours,

Martin Astrof
Chief Financial Officer
CHARLES H. GREENTHAL MANAGEMENT CORP.

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Ex. B

ROCKROSE
290 PARK AVENUE SOUTH • NEW YORK, NEW YORK 10010 • TEL (212) 375-1155 • FAX (212) 375-1195

To Whom It May Concern:

Rockrose Development Corp. is a family owned and operated real estate company with over three decades of experience. Founded by the three Elghanayan brothers, it began with renovation or brownstones on West 16th Street in Manhattan, and gradually expanded to new apartments construction, large scale rehabilitation, and major office building development. Currently, in New York City we own and manage roughly 5,000 rental units in close to twenty residential buildings, as well as four commercial properties.

Effectively managing our business requires that we have several types of "tools" at our disposal. We use a property management software package, similar to the BJ Murray system, called Timberline (http://www.timberline.com/) that provides an integrated solution to the back office management of accounting, estimating, projects, properties, reporting, and services. It keeps our general ledger, accounts payable, accounts receivable, etc. and allows us to generate purchase orders, vendor forms and reports necessary to efficiently run our business. In addition to Timberline, we also utilize a separate customer service software package called BuildingLink at most of our residential properties to control the flow of information within the individual buildings. Unlike our other systems, BuildingLink is focused on organizing, displaying and communicating information among tenants, front desk staff, maintenance staff and management. Specifically, we use BuildingLink to catalog all items that cross the front desk (either on their way into or out of the building), to register complaints/maintenance requests with the building manager and to allow each tenant to inform the front desk staff of specific instructions related to his apartment (e.g., permission to enter, visitors, etc.). The very different functions that Timberline and BuildingLink perform require us to maintain working relationships with both. In addition, the information and services that each embody are presented to independent populations of users.

BuildingLink is a unique product that has allowed Rockrose to more efficiently manage our relationships with our tenants and building staff. During the time that I have implemented their product at our buildings, I have seen the productivity of our employees and the organization of our data increase tremendously. Our tenants are very pleased with the system and the way that Rockrose has chosen to communicate with them. I have not found another product in the marketplace that could offer the same (or similar) features and I see BuildingLink's software offering as an innovative solution to an age-old problem suffered by most property management companies – how to communicate with those that need information.

Sincerely,

Illya Shell
Manager of Support Services
Rockrose Development Corp.

Ex. C.

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